

CHAPTER 1068 Pretreatment of Wastewater

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CROSS REFERENCES

Approval of sewerage systems by counties - see Code of Va.
§ 15.2-2126 et seq.

Construction of sewers generally - see S.U. & P.S. Ch. 1060

Use of sewers; building sewers and connections - see S.U. & P.S.
Ch. 1064

Private sewage disposal systems - see S.U. & P.S. Ch. 1066

Land application of biosolids - see S.U. & P.S. Ch. 1090

Sewerage facilities in subdivisions - see P. & Z. 1245.08, 1245.11

1068.01 PURPOSE AND POLICY.

(a) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems of the publicly owned treatment works (POTW) in the County or serving the County, and enables the POTW to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

- (b) The objectives of this chapter are to:
 - (1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; and
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(c) This chapter provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain users and through the enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting and assumes that an existing customer's capacity will not be preempted.

(d) This chapter shall apply to persons in the County who are users of a POTW and to persons outside the County who are, by contract or agreement with the County or the Sanitation Authority, users of the Blue Plains Wastewater Treatment Plant or any County or Authority owned POTW treatment plant. Except as otherwise provided herein, the Superintendent shall administer, implement and enforce this chapter.
(Ord. 89-03. Passed 3-20-89.)

1068.02 DEFINITIONS.

Unless the context specifically indicates otherwise, as used in this chapter:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et seq.
- (2) "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his or her agents or delegates.
- (3) "Approval authority" means the Executive Director of the Virginia State Water Control Board when the State pretreatment program is approved, and until the same is approved, the Administrator of the U.S. Environmental Protection Agency.

(Ord. 89-03. Passed 3-20-89.)

- (4) "Authorized representative of an industrial user" may be:
 - A. A responsible corporate officer if the industrial user is a corporation. For the purpose of this paragraph, a responsible corporate officer means either a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.

- B. A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or
- C. A duly authorized representative of the individual designated in paragraph (4)A. or B. hereof if:
 - 1. The authorization is made in writing by the individual described in paragraph (4)A. or B. hereof;
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - 3. The written authorization is submitted to the control authority.
(Ord. 92-11. Passed 10-21-92.)

- (5) "Best management practices" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices or procedures of users to prevent or reduce the discharge of pollutants into a POTW. Such practices may include, but not be restricted to, notification plans of any accidental discharge, solvent management plans, operating procedures and practices to control batch discharge, sludge and waste disposal, spillage or leaks, or drainage from raw material storage.
- (6) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at twenty degrees Centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)),
- (7) "Blue Plains Wastewater Treatment Plant" means a wastewater treatment plant located in the District of Columbia which provides service to certain users located in the County.
- (8) "Building sewer" means a sewer conveying wastewater from the premises of a user to a publicly owned treatment works (POTW).
- (9) "Categorical standards" means national categorical pretreatment standards or "pretreatment standard."
- (10) "Compatible pollutant" means biochemical oxygen demand, suspended solids, phosphorus, pH and fecal coliform bacteria, plus additional pollutants identified in the national pollutant discharge elimination system (NPDES) permit if the serving treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
- (11) "Control authority" refers to the approval authority or the Superintendent if a County or Sanitation Authority owned POTW has an approved pretreatment program under the provisions of 40 CFR 403.11.
- (12) "Cooling water" means the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (13) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State.
- (14) "Environmental Protection Agency" (EPA) means the U.S. Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of such Agency.
- (15) "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (16) "Holding tank waste" means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (17) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into a POTW (including holding tank waste discharged into the system).
- (18) "Industrial user" means the owner or operator of a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

- (19) "Interference" means the inhibition or disruption of the POTW treatment processes or operations which causes a violation of any requirement of the NPDES permit of the Blue Plains Wastewater Treatment Plant or any County or Sanitation Authority owned POTW treatment plant. "Interference" includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), any local ordinance or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (20) "National categorical pretreatment standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.
- (21) "National pollutant discharge elimination system (NPDES) permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (22) "National prohibitive discharge standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
- (23) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act (33 U.S.C. 1317), which standards will be applicable to such source if such standards are thereafter promulgated in accordance with such section, provided that:
 - A. The building, structure, facility or installation is constructed at a site at which no other source is located.
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
 - C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether or not these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plants, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (24) "Pass through" means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the NPDES permit of a POTW treatment plant.
- (25) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other entity, or his, her or its legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.
- (26) "pH" means the negative logarithm (base ten) of the hydrogen ion concentration expressed in moles per liter of solution.

- (27) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (28) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.
- (29) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or other means, except as prohibited by 40 CFR, Section 403.6(d).
- (30) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- (31) "Publicly owned treatment works" (POTW) means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), whether owned by the County or an authority which serves the County or of which the County is a member. This definition includes any sewers that convey wastewater to a POTW treatment plant, but does not include pipes, sewers or other conveyances not directly or indirectly connected to a facility providing treatment. This definition specifically includes sewers located in the County which convey wastewater to the Blue Plains Wastewater Treatment Plant. This definition specifically excludes treatment works owned and operated by an incorporated town in the County. "POTW" also includes any sewers that convey wastewaters to the POTW from persons outside the County who are, by contract or agreement with the County or Sanitation Authority, users of the Blue Plains Wastewater Treatment Plant or any County or Sanitation Authority owned POTW treatment plant. "POTW" also refers to the governing body of a POTW and the authorized agents, officers and representatives thereof.
- (32) "POTW treatment plant" means that portion of a POTW designed in provide treatment to wastewater.
- (33) "Sanitation Authority" means the County Sanitation Authority.
- (34) "Shall" is mandatory; "may" is permissive.
- (35) "Significant industrial user" means any industrial user of the POTW wastewater disposal system who:
 - A. Has a discharge flow of 25,000 gallons or more per average work day;
 - B. Has a discharge flow which makes up five percent of the average dry weather hydraulic or organic capacity of the POTW;
 - C. Has in his or her wastes toxic pollutants as defined pursuant to Section 307 of the Act (33 U.S.C. 1317) or State statutes and rules; or
 - D. Is found by the Sanitation Authority, the State Water Control Board or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the sludge.

- (36) "Standard industrial classification" (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (37) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (38) "Suspended solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
- (39) "Superintendent" means the general manager of the Sanitation Authority or his or her duly authorized representative.
- (40) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under Section 307(a) of the Act (33 U.S.C. 1317) or other acts.
- (41) "User" means any person who contributes or causes or permits the contribution of wastewater into a POTW.
- (42) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter a POTW.
- (43) "Wastewater discharge permit" has the same meaning as set forth in Section 1068.12.
- (44) "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.
(Ord. 89-03. Passed 3-20-89.)

1068.03 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
CAA	Clean Air Act, 42 U.S.C. 7401 et seq.
CWA	Clean Water Act
COD	Chemical oxygen demand
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
TSCA	Toxic Substance Control Act, 15 U.S.C. 2601 et seq.
TSS	Total suspended solids
USC	United States Code
(Ord. 89-03. Passed 3-20-89.)	

1068.04 GENERAL DISCHARGE PROHIBITIONS.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of a publicly owned treatment works (POTW). These general prohibitions apply to all such users of a POTW, whether or not the user is subject to national categorical pretreatment standards of any other national, State or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

- (1) Any liquids, solids or gases which, by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to a POTW or the operation of a POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent, nor shall any single reading be over ten percent, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the County, Sanitation Authority, Superintendent, State or EPA has notified the user is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of a POTW, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (3) Any wastewater having a pH less than 5.0, unless a POTW is specifically designed to accommodate such wastewater or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of a POTW;
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of a POTW or exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C. 1317).
- (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

- (6) Any substance which may cause a POTW's effluent or any other product of a POTW, such as residues, sludges or scums, to be unsuitable for reclamation and re-use or to interfere with the reclamation process. In no case, shall a substance discharged to a POTW cause a POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act (33 U.S.C. 1315), or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the SWDA, the CAA, the TSCA or State criteria applicable to the sludge management method being used;
- (7) Any substance which will cause a POTW treatment plant to violate its NPDES and/or any State permit issued to regulate the treatment of wastewater, the treatment or application of sludge or the receiving water quality standards;
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (9) Any wastewater having a temperature which will inhibit biological activity in a POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a POTW treatment plant which exceeds forty degrees Celsius (104 degrees Fahrenheit) unless the treatment plant is designed to accommodate such temperature;
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to a POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed, for longer than fifteen minutes, more than five times the average twenty-four hour concentration, quantities or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations;
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance; or
(Ord. 89-03. Passed 3-20-89.)
- (13) Any wastewater containing cadmium, copper, lead, zinc, silver, phthalate esters or mercury in excess of the following concentrations:

<u>Substance</u>	<u>Concentration (in mg/l (ppm))</u>
Cadmium (total)	0.07
Copper (total)	1.9
Lead (total)	2.1
Zinc (total)	5.0
Silver (total)	3.3
Phthalate esters	5.9
Mercury	0.0005

This list shall not be construed as a complete list of restricted materials. Restrictions may also be placed on other materials when the concentration of these materials is sufficient to adversely affect any portion of the collection or treatment system.

(Ord. 92-11. Passed 10-21-92.)

(b) When the Superintendent determines that a user is contributing to a POTW any of the substances enumerated in subsection (a) hereof in such amounts as to pass through or interfere with the operation of a POTW, the Superintendent shall:

- (1) Advise the user of the impact of the contribution on the POTW; and
- (2) Develop effluent limitations for such user and/or initiate enforcement action in accordance with Sections 1068.18 et seq.

(Ord. 89-03. Passed 3-20-89.)

1068.05 APPLICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of a national categorical pretreatment standard for a particular industrial subcategory, such standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of all applicable reporting requirements under 40 CFR, Section 403.12. (Ord. 89-03. Passed 3-20-89.)

1068.06 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Where a publicly owned treatment works (POTW) achieves consistent removal of pollutants limited by pretreatment standards, the POTW may apply to the approval authority for modification of specific limits in the pretreatment standards. "Consistent removal," as used in this section, means a reduction in the amount of a pollutant or the alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in 40 CFR, Section 403.7(c)(2), "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The POTW may then modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in 40 CFR, Section 403.7 are fulfilled and if prior approval from the approval authority is obtained. (Ord. 89-03. Passed 3-20-89.)

1068.07 APPLICATION OF STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this chapter. (Ord. 89-03. Passed 3-20-89.)

1068.08 RIGHT OF REVISION.

The County, Sanitation Authority and Superintendent each reserves the right to establish more stringent limitations or requirements on discharges to a publicly owned treatment works (POTW) if deemed necessary to comply with the objectives presented in Section 1068.01. Nothing herein or anything done or permitted hereunder shall create any vested rights of any nature in any person or user. (Ord. 89-03. Passed 3-20-89.)

1068.09 EXCESSIVE DISCHARGES; DILUTION PROHIBITED.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards or in any other pollutant-specific limitation developed by the County, Sanitation Authority, Superintendent or State. (Ord. 89-03. Passed 3-20-89.)

1068.10 ACCIDENTAL DISCHARGES.

(a) Protection Plan. Each industrial user shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent an accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. The Sanitation Authority, acting through the Superintendent, shall have the authority and responsibility to enter upon the property of any such user at any reasonable time for the purpose of inspecting such facilities. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sanitation Authority for review and shall be approved by the Sanitation Authority before construction of the facility. All existing industrial users shall complete such a plan within 180 days after the effective date of this chapter (Ordinance 89-03, passed March 20, 1989). No industrial user who commences contributions to a publicly owned treatment works (POTW) after such effective date shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Sanitation Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, the industrial user shall immediately telephone and notify the Sanitation Authority of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume and corrective actions.

(b) Reports. Within five days following an accidental discharge, the industrial user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to a POTW, fish kills or any other damage to person or property, nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

(c) Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(d) Best Management Practices. Where reasonably appropriate and required by the Superintendent, an industrial user shall provide and implement best management practices. The Sanitation Authority, acting through the Superintendent, shall have the authority and responsibility to enter upon the property of any such user at any reasonable time for the purpose of investigating whether or not the required best management practices are being followed by the user. Best management practices may be part of the wastewater discharge permit issued to significant industrial users.
(Ord. 89-03. Passed 3-20-89.)

1068.11 PROHIBITED DISCHARGES; PERMIT REQUIRED.

No person shall discharge any wastewater to a publicly owned treatment works (POTW) without first obtaining a valid permit therefor, except as authorized by the Superintendent in accordance with this chapter.
(Ord. 89-03. Passed 3-20-89.)

1068.12 WASTEWATER DISCHARGE PERMITS.

(a) In General. All significant industrial users proposing to connect to or to contribute to a publicly owned treatment works (POTW) shall obtain a wastewater discharge permit before connecting to or contributing to such POTW. All existing significant industrial users connected to or contributing to a POTW shall obtain a wastewater discharge permit within 180 days after the effective date of this chapter (Ordinance 89-03, passed March 20, 1989).

(b) Applications. Users required to obtain a wastewater discharge permit shall obtain, complete and file with the Sanitation Authority an application in the form prescribed by the Sanitation Authority. Existing significant industrial users shall apply for a wastewater discharge permit within ninety days after such effective date, and proposed new significant industrial users shall apply at least ninety days prior to connecting to or contributing to a POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name, address and location (if different from the address);
- (2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Section 1068.04, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the Environmental Protection Agency (EPA) pursuant to Section 304(g) of the Act (33 U.S.C. 1314(g)) and contained in 40 CFR, Part 136, as amended;
- (4) The time and duration of the contribution;
- (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation;
- (7) A description of activities, facilities and plan processes on the premises, including all materials which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any applicable Sanitation Authority, State or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - B. The schedule shall reflect the minimum reasonable time to complete each increment referred to in paragraph (b)(9)A. hereof. The Superintendent may require changes in the schedule to meet this requirement.
 - C. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay and the steps being taken by the user to return the construction to the schedule established.
- (10) Each product produced by type, amount, process and rate of production;
- (11) The type and amount of raw materials processed (average and maximum per day);
- (12) The number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system; and
- (13) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to the terms and conditions provided herein.

(c) Modifications. Upon promulgation of a national categorical pretreatment standard, the Sanitation Authority shall notify the users which have a wastewater discharge permit and which are subject to the new standard. If the new standard is more stringent than requirements in the permits of such users, the Sanitation Authority shall modify the permits to require compliance with the new standard

within the time frame prescribed by the standard. Where a user which becomes subject to a new standard has not previously submitted an application for a significant industrial user permit, the user shall apply for a permit within 180 days after the promulgation of the new standard, unless a Federal or State law or regulation requires application and compliance with a shorter time period. In addition, the user with an existing wastewater discharge permit shall submit to the Superintendent, within 180 days after the promulgation of an applicable national categorical pretreatment standard, the information required by paragraphs (b)(8) and (9) hereof.

(d) Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Sanitation Authority or the County, or both. Wastewater discharge permits issued to users served by the Blue Plains Wastewater Treatment Plant shall contain the following provisions:

- (1) By accepting this wastewater discharge permit, the industrial user served by the Blue Plains Wastewater Treatment Plant grants the Sanitation Authority the right to enter its premises at reasonable times alone or accompanied by personnel from the Blue Plains Wastewater Treatment Plant for the purpose of inspection, observation, measurement, sampling and testing to ensure compliance with applicable pretreatment laws and regulations.
- (2) By accepting this wastewater discharge permit, the industrial user agrees that it immediately shall notify the District of Columbia of any accidental discharge at (202) 673-6600, and the Sanitation Authority at (703) 771-1095, twenty-four hours per day, seven days a week. Such notification shall include at least the following information:
 - A. The name and address of the premises where the discharge occurred or is occurring;
 - B. The precise location of the discharge at the premises;
 - C. The type of waste discharged or being discharged;
 - D. The concentration and volume;
 - E. Corrective actions undertaken or to be undertaken by such significant industrial user;
 - F. A contact person and his or her telephone number; and
 - G. Such other information as may be appropriate.

Within five days following an accidental discharge, the industrial user shall submit to the District of Columbia and the Sanitation Authority a detailed written report describing the cause of the discharge and measures taken or to be taken by the user to prevent similar future occurrences. Such written notification shall be signed by an officer or proprietor of the firm or establishment, shall attest to the truth of the statements contained therein and shall be submitted to the following addresses:

Loudoun County Sanitation Authority
880 Harrison Street, S.E.
Leesburg, Virginia 22075

District of Columbia Department of Public Works
Water and Sewer Utility Administration
Pretreatment Program
500 Overlook Avenue, S.W.
Washington, D.C. 20032

- (3) By accepting the wastewater discharge permit, the industrial user acknowledges and understands that it is unlawful to discharge, or cause or permit the discharge of, nondomestic wastes that will be transmitted to the Sanitation Authority's or District of Columbia's wastewater system, except in accordance with applicable laws and regulations.
 - (4) By accepting the wastewater discharge permit, the industrial user acknowledges and understands that a violation of the pretreatment program requirements of the Sanitation Authority may also constitute a violation of other pretreatment laws and regulations. Each industrial user further acknowledges and understands that such violation may be subject to prosecution and the imposition of a fine or penalty.
- (e) Contents. All wastewater discharge permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a POTW;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and a reporting schedule;
 - (6) Compliance schedules;
 - (7) Requirements for submission of technical reports or discharge reports (see Section 1068.13);
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Superintendent, and affording the Sanitation Authority access thereto;
 - (9) Requirements for notification of the Sanitation Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (10) Requirements for notification of various discharges similar to the notice requirements contained in Section 1068.10; and
 - (11) Other conditions as deemed appropriate by the Superintendent or Sanitation Authority to ensure compliance with this chapter and the accomplishment of its objectives.

(f) Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for less than a year or may be stated to expire on a specific date or the occurrence of an event. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements, as identified in Sections 1068.04 et seq., are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Transfers. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or new or changed operation without the approval of the Superintendent. Any succeeding owner or user shall comply with the terms and conditions of the existing permit.
(Ord. 89-03. Passed 3-20-89.)

1068.13 REPORTS.

(a) Compliance Date Report. Within ninety days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, at least ninety days prior to discharging wastewater into the publicly owned treatment works (POTW), any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether or not the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

(b) Periodic Compliance Reports.

- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into a POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily

flow reported in Section 1068.12(b)(5). At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which such reports are to be submitted.

- (2) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (b)(1) hereof shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of this discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act (33 U.S.C. 1314(g)) and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Ord. 89-03. Passed 3-20-89.)

1068.14 MONITORING FACILITIES.

(a) Every user required to have a wastewater discharge permit shall be required to provide, operate and maintain, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems, or both. The monitoring facility should normally be situated on the user's premises, but the Superintendent may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed and located off premises. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(b) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with County and Sanitation Authority requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification to comply by the Superintendent. (Ord. 89-03. Passed 3-20-89.)

1068.15 INSPECTIONS AND SAMPLING.

The Superintendent or personnel from the Sanitation Authority shall inspect the facilities of any user to ascertain whether or not the purpose of this chapter is being

met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Superintendent, personnel from the Sanitation Authority or personnel from the Blue Plains Wastewater Treatment Plant accompanied by Sanitation Authority personnel ready access at reasonable times to all parts of the premises for the purposes of inspection, sampling or records examination, or in the performance of any duties imposed hereunder. The Sanitation Authority and the approval authority may set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with his or her security guards so that, upon presentation of suitable identification, personnel from the Sanitation Authority or the approval authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. The user shall be responsible for the cost of testing any samples taken from the user's facilities, whether the sample is taken by the user's personnel or by personnel from the Sanitation Authority.
(Ord. 89-03. Passed 3-20-89.)

1068.16 PRETREATMENT FACILITIES.

(a) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the pretreatment regulations. Any facility required to pretreat wastewater to a level acceptable to the Sanitation Authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review and shall be acceptable to the Sanitation Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Sanitation Authority under this chapter. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and approved by the Sanitation Authority prior to the user's initiation of the change.

(b) The Superintendent shall annually publish in a local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve months.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.
(Ord. 89-03. Passed 3-20-89.)

1068.17 CONFIDENTIAL INFORMATION.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the user

specifically requests and is able to demonstrate to the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, the State disposal system permit and/or the pretreatment programs. However, such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the Superintendent as confidential shall not be transmitted to any governmental agency or to the general public until and unless a ten-day notification is given to the user.
(Ord. 89-03. Passed 3-20-89.)

1068.18 REPORTING REQUIREMENTS FOR INDUSTRIAL USERS.

Industrial users shall comply with all applicable reporting requirements contained in 40 CFR, Section 403.12.
(Ord. 89-03. Passed 3-20-89.)

1068.19 PROGRAM IMPLEMENTATION PROCEDURES.

The Superintendent is hereby authorized to establish written program implementation procedures as he or she may deem necessary to implement, administer and enforce this chapter, including the development for significant industrial users of a compliance schedule for the installation of pretreatment technology required to meet applicable pretreatment standards and requirements, and the development for industrial users of a compliance schedule to meet the requirements imposed by accidental discharge plans or best management practices.
(Ord. 89-03. Passed 3-20-89.)

1068.20 HARMFUL CONTRIBUTIONS; SUSPENSION OF SERVICE OR PERMITS.

The Superintendent may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Superintendent, to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons or to the environment, or which causes interference to a publicly owned treatment works (POTW) or causes any POTW treatment plant to violate any condition of any applicable NPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or

eliminate the contribution. If such person fails to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any individual. The Superintendent shall reinstate the wastewater discharge permit and/or wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the Superintendent within fifteen days of the date of occurrence.

(Ord. 89-03. Passed 3-20-89.)

1068.21 VIOLATIONS.

The commission of the following acts is unlawful and, in addition to or in lieu of any other penalties or remedies provided by this chapter, shall be grounds for the denial, suspension or revocation of a wastewater discharge permit applied for by or issued to an industrial user pursuant to this chapter:

- (a) A violation of any of the provisions of this chapter;
 - (b) A violation of any provision of any written implementation procedure established by the Superintendent pursuant to this chapter;
 - (c) The discharge of any substance into the publicly owned treatment works (POTW) without first obtaining any necessary permit;
 - (d) The discharge of any new substance into, or the increase of any discharge into, the POTW without notifying the Sanitation Authority of such new substance or discharge increase;
 - (e) The discharge into the POTW of hazardous waste, as defined in the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.), which is not covered by the domestic sewage exemption contained in 40 CFR, Section 261.4(a)(1)(ii). This type of waste must be handled in accordance with the requirements of the RCRA and shall not be discharged into the POTW.
 - (f) The discharge of pollutants into the POTW in violation of any national categorical pretreatment standard found in Subchapter N of Title 40 of the Code of Federal Regulations;
 - (g) A violation of any wastewater discharge permit term or condition;
 - (h) The failure of a user to accurately report the wastewater constituents and characteristics of its discharge or the failure to submit any reports that are required in 40 CFR, Section 403.12;
 - (i) The refusal of a user to allow reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (j) A violation of any other applicable State or Federal regulation.
- (Ord. 89-03. Passed 3-20-89.)

1068.22 NOTICE OF VIOLATIONS.

Whenever the Superintendent finds that any user has violated or is violating any of the provisions of this chapter, the user's wastewater discharge permit or any prohibition, limitation or requirements contained herein, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Superintendent by the user.

(Ord. 89-03. Passed 3-20-89.)

1068.23 HEARINGS.

(a) Notice. The Superintendent may order any user who causes or allows an unauthorized discharge to enter a publicly owned treatment works (POTW) to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the governing body of the Sanitation Authority regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the user to show cause before the governing body why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) Conduct. The governing body may itself conduct the hearing and take the evidence or may designate any of its members or any of its officers or employees to:

- (1) Issue, in the name of the governing body, notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
- (2) Take the evidence; or
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the governing body for action thereon.

(c) Records. At any hearing held pursuant to this chapter, testimony taken shall be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or to any party to the hearing upon payment of a reasonable charge therefor.

(d) Order. After the governing body has concluded the hearing or reviewed the report and recommendations referred to in paragraph (b)(3) hereof, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed on existing treatment facilities, and such devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. 89-03. Passed 3-20-89.)

1068.24 FALSIFYING INFORMATION; PROPERTY DESTRUCTION.

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or in any wastewater discharge permit, or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. 89-03. Passed 3-20-89.)

1068.25 LEGAL ACTIONS.

If any person discharges sewage, industrial wastes or other wastes into a publicly owned treatment works (POTW) contrary to this chapter, Federal or State pretreatment requirements or any order authorized hereunder, the Superintendent, County or Sanitation Authority may commence an action for appropriate legal or equitable relief in any circuit court of the Commonwealth.

(Ord. 89-03. Passed 3-20-89.)

1068.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, or any order, rule, regulation or permit issued hereunder, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) In addition to the penalties provided herein, the County, Sanitation Authority, Superintendent or publicly owned treatment works (POTW) may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law or equity against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(Ord. 89-03. Passed 3-20-89.)